

Message

From: Wieber, Kim - NRCS, East Lansing, MI [kim.wieber@usda.gov]
Sent: 6/19/2019 6:51:43 PM
To: Westlake, Kenneth [westlake.kenneth@epa.gov]; Dierberger, Betsy - NRCS, East Lansing, MI [betsy.dierberger@usda.gov]
CC: Zay, Daniel - NRCS, East Lansing, MI [dan.zay@usda.gov]; Charles.A.Uhlarik@usace.army.mil; Scott_Hicks@fws.gov; jessica_barber@fws.gov; jessica_barber@fws.gov; amanda.r.meyer@usace.army.mil [Amanda.R.Meyer@usace.army.mil]; Jason Chrumka [Jason.A.Chrumka@usace.army.mil]; Pelloso, Elizabeth [Pelloso.Elizabeth@epa.gov]; Uhlarik, Charles A CIV USARMY CELRE (USA) [Charles.A.Uhlarik@usace.army.mil]
Subject: RE: Follow-up: 5/31/19 NEPA Compliance conference call - NRCS RCPP and USACE projects on the Grand River, MI
Attachments: NRCS WPP_EA PROCESS.docx

Importance: High

Kenneth,

Thank you for wanting to become an active agency in the Lower Grand River Watershed Wildlife Habitat Restoration and Farmland Conservation Project that was started under the Grand Rapids Urban Waters Partnership. Through the initial work of the partnership, the Regional Conservation Partnership Program proposal was developed and submitted for funding in 2018. Through PL-566 program donor funds the project's objective is to restore an identified reach of the Lower Grand River and protect surface water quality.

Please see the responses to your questions to NRCS below.

Betsy: EPA had asked if there is a working timeline or estimate for when NRCS expects to release the EA. Betsy, you said there was a NEPA timeline and that NRCS could provide a timeline that the project partners could agree to. EPA requests a copy of the NRCS NEPA release timeline.

Response: Attached you will find the current timeline for the release of the watershed plan EA.

Betsy/Kim: EPA explicitly asked why NRCS was moving forward with an EA and not an EIS. Betsy, you stated that you couldn't answer why your agency is pursuing an EA vs an EIS. EPA requests a response on why NRCS is doing an EA and not an EIS for this project.

Response: It was determined that the RCPP PL-566 project with NRCS to restore the rapids of the Lower Grand River exhibited independent utility in the project reach that has been in development with the City of Grand Rapids. The City of Grand Rapids and Grand Valley Metro Council held public meetings to develop and plan the project prior to the entering into the RCPP agreement with NRCS. It was determined that an watershed plan EA was the appropriate vehicle for the NEPA requirements due to the following:

- C.F.R Title 7, Subtitle B Chapter VII, Subchapter F, Part 650
Grand Valley Metropolitan Council Grand River Revitalization Project issued a Preliminary Investigation Report in January 2019. Consultants are in process of studies and economic impact analysis. Impacts are both adverse and beneficial, and expect adverse impacts to be mitigated upon minimization of the adverse action and subsequent restoration of habitat and removal of safety hazards.
(650.7, 650.8) NRCS may prepare an EA anytime to aid decision making or to determine the need for an EIS
- The EA will either result in a Finding of No Significant Impact (FONSI) or if significant environmental impacts appear likely, then transition to watershed -EIS will occur.
- The City of Grand Rapids and Grand Valley Metro Council have been leading the development of the watershed plan to restore the rapids of the Grand River prior to the application of federal funds to NRCS under the RCPP program. Extensive planning and public meetings have been conducted to ensure there was concurrence with the project by the public and state agencies. Preferred alternatives were presented based on the planning effort with other interested agencies prior to the involvement with NRCS. The alternatives selected for the watershed plan-EA are artifacts of the prior planning and public involvement before RCPP

federal involvement. NRCS requested that the planning history and discussion of the preferred alternatives development be included in the EA.

- RCPP GRWW project aligns with other regional planning documents including 2011 Lake Sturgeon Rehabilitation Strategy Draft (MI DNR), Lower Grand River Watershed Management Plan 2011, and Grand River Fisheries Assessment MDNR Fisheries Report 20, 2017.
- We recognize that there are some individuals in the public and in state agencies that have concerns about the RCPP project. However, it's important to also note that the State of Michigan also provided a letter of support and state funding for portions of the RCPP project. There has also been a lot of support from this project by both local government and members of the public. State agencies have been providing guidance to the RCPP partners in the development of the project plans and the EA, and we will ensure all environmental requirements are met.
- GRWW continues to provide opportunities for public involvement. Environmental information has been and is available to citizens.
- Regarding Section 106, ERM (contractor) initiated consultation with the MI SHPO in December of 2018 with a proposed determination of "No Effect". They had been working closely with Dr. Dean Anderson (who retired in April) at the SHPO's office and he was in agreement with the determination at the time. However, we are unaware if they have received any correspondence back from the SHPO about concurring with or disputing the findings. ERM is to forward NRCS any correspondence they receive from the SHPO. The MI SHPO is currently understaffed at the moment and, as of late, have been taking an extremely long time to get back on projects. We have not received a response on the request for Tribal consultation at this time.
- Low head dam removal mitigates the public safety hazards.
- NRCS conservation practices planned for implementation are categorical exclusions or were analyzed in a national NRCS programmatic NEPA document, and no potential significant adverse effects to the quality of the human environment and extraordinary circumstances are not expected to be detected.
- The EA will either result in a Finding of No Significant Impact (FONSI) or if significant controversy or significant environmental impacts appear likely, the NEPA process will transition to an EIS.

Betsy/Kim: USACE indicated they had not seen or reviewed any early draft chapters of NRCS's NEPA document, and stated that they would greatly appreciate the ability to review and comment back to NRCS in near real time as information was provided. What is the status of providing NRCS's draft NEPA documentation to USACE for review?

Response: NRCS has not received the complete draft document from our RCPP partner who under the RCPP agreement has elected to develop the EA for NRCS. NRCS remains the lead Federal agency on the project and will approve the final EA through the NEPA procedures adopted by the agency. Once the completed draft document has been received, NRCS-Michigan will provide the document to USACE to solicit comments that will be provided to the RCPP partners to complete the final watershed plan EA draft that will be submitted to NRCS NEPA reviewers for final approval.

Betsy/Kim: If NEPA information has been provided to USACE for review, EPA would also appreciate the opportunity to review and provide early draft comments. EPA requests that any documentation that has been sent to USACE also be sent to EPA (both Liz Pelloso and Ken Westlake).

Response: NRCS would be very appreciative to any comment that EPA would like to provide on the draft watershed plan EA submitted to NRCS for potential inclusion in the final draft watershed plan EA that will be submitted to the NRCS NEPA reviewer. Once the final draft document is submitted to NRCS it will be provided to USACE, EPA and other cooperating partners for the project.

Betsy/Kim/Charlie/Jason: We ended the call noting that the next steps were for NRCS and USACE to coordinate further on the draft NEPA documentation. What is the status of such interagency coordination?

Response: NRCS will provide draft documents to USACE for comments as they become available for the reasons stated above.

If you have any questions, please contact me.

Sincerely,

Kim L. Wieber
ASTC-Programs

Phone: (517) 324-5276

From: Westlake, Kenneth <westlake.kenneth@epa.gov>

Sent: Wednesday, June 12, 2019 5:26 PM

To: Wieber, Kim - NRCS, East Lansing, MI <kim.wieber@usda.gov>; Dierberger, Betsy - NRCS, East Lansing, MI <betsy.dierberger@usda.gov>

Cc: Zay, Daniel - NRCS, East Lansing, MI <dan.zay@usda.gov>; Charles.A.Uhlarik@usace.army.mil; Scott Hicks@fws.gov; jessica_barber@fws.gov; jessica_barber@fws.gov; amanda.r.meyer@usace.army.mil; Jason Chrumka <Jason.A.Chrumka@usace.army.mil>; Pelloso, Elizabeth <Pelloso.Elizabeth@epa.gov>

Subject: Follow-up: 5/31/19 NEPA Compliance conference call - NRCS RCPP and USACE projects on the Grand River, MI

Kim and Betsy,

We are eager to receive responses to the questions we raised during our May 31 call, as summarized in Liz's email below. Thanks in advance.

Ken

Kenneth A. Westlake
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From: Pelloso, Elizabeth

Sent: Friday, June 07, 2019 2:21 PM

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Cc: Amanda Meyer (Amanda.R.Meyer@usace.army.mil) <Amanda.R.Meyer@usace.army.mil>; Westlake, Kenneth <westlake.kenneth@epa.gov>

Subject: Follow-up: 5/31/19 NEPA Compliance conference call - NRCS RCPP and USACE projects on the Grand River, MI

Hello all and happy Friday:

I wanted to follow up on a few items that we discussed last Friday in our Grand River interagency NEPA compliance call.

Betsy: EPA had asked if there is a working timeline or estimate for when NRCS expects to release the EA. Betsy, you said there was a NEPA timeline and that NRCS could provide a timeline that the project partners could agree to. EPA requests a copy of the NRCS NEPA release timeline.

Betsy/Kim: EPA explicitly asked why NRCS was moving forward with an EA and not an EIS. Betsy, you stated that you couldn't answer why your agency is pursuing an EA vs an EIS. EPA requests a response on why NRCS is doing an EA and not an EIS for this project.

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Betsy/Kim: If NEPA information has been provided to USACE for review, EPA would also appreciate the opportunity to review and provide early draft comments. EPA requests that any documentation that has been sent to USACE also be sent to EPA (both Liz Pelloso and Ken Westlake).

Betsy/Kim/Charlie/Jason: We ended the call noting that the next steps were for NRCS and USACE to coordinate further on the draft NEPA documentation. What is the status of such interagency coordination?

I look forward to hearing back to folks on this email. Thanks for your cooperation as we work as one Federal family to move these projects forward.

Liz Pelloso, PWS

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